



# APPLICATION FOR SIDEWALK RETAIL VENDING PERMIT

811 Texas Ave. El Paso, Texas 79901 • Phone: (915) 212-0104 • Fax: (915) 212-0105 • onestopshop@elpasotexas.gov

## APPLICANT/BUSINESS INFORMATION

Applicant Name:		
Business Address:		Suite No.:
City/State/Zip:		
Phone:	Cell:	Fax:
Email:		
<b>Business Name:</b>		
<b>Description of Store Merchandise:</b>		
<b>Store Hours:</b>		

## SIGNATURES

**RELEASE:** In consideration of the permit for use of city streets, sidewalks, and other public places, it is understood that the applicant(s) contained herein do hereby release and discharge the City, its respective officers, directors, agents, and employees, jointly and severally, from any and all liability for illness, injuries, and damages that may be suffered which arise out of or result from participation in this program.

**ACKNOWLEDGEMENT:** I attest that this application is complete and accurate to the best of my knowledge and that the statements and exhibits submitted with this application are true and correct. I understand that any inaccurate or incomplete information provided on this application may delay the processing and scheduling of this request.

Applicant Name (Print): \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## \*\*THIS AREA IS FOR CITY STAFF – DO NOT COMPLETE\*\*

<b>Application Type:</b> <input type="checkbox"/> Permit <input type="checkbox"/> License*	<b>Accepted By:</b> _____
<b>Permit Term:</b> <input type="checkbox"/> One Year <input type="checkbox"/> Five Year	<b>Received Date:</b> _____
<b>Located in Downtown Footprint?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Case No:</b> _____ <b>Permit Fee:</b> \$ _____
<b>REQUIRED DOCUMENTS</b>	<b>VENDING AREA DIMENSIONS</b> <input type="checkbox"/> Zoning: _____
<input type="checkbox"/> Letter(s) of Consent & Proof of Ownership: _____	<input type="checkbox"/> Public ROW Dimensions (feet):
<input type="checkbox"/> Insurance Expiration Date: _____	Length: _____ Width: _____
<input type="checkbox"/> Detailed Site Plan: _____	<input type="checkbox"/> Vending Area Dimensions (feet):
<input type="checkbox"/> Two Color Photos: Front: _____ Side: _____	Length: _____ Width: _____
<input type="checkbox"/> Building Certificate of Occupancy: _____	Total Vending Area (square feet): _____
<input type="checkbox"/> Operational Permit: _____	<input type="checkbox"/> Awning Height (feet): _____

\*Applications for a Sidewalk Vending License require City Council approval; please use "License Checklist".

## REQUIRED DOCUMENTATION FOR SIDEWALK RETAIL VENDING PERMIT APPLICATION

### ☐ SIDEWALK RETAIL VENDING PERMIT APPLICATION

Each item on this application shall be completed and all documentation required by this form shall be submitted before this application is accepted for processing. Submittal and payment for an application does not constitute acceptance for processing until the One Stop Shop of the City Development Department reviews the application for accuracy and completeness. Use the application provided in this packet (page 1).

### ☐ APPLICATION AND PERMIT FEES

Application fees are collected at the time of application submission and are nonrefundable. Upon approval of the application, the annual permit fee will be due prior to permit issuance. The City accepts payment by cash, credit card or check; please make out checks to **The City of El Paso**. For applications submitted via mail, please submit all materials to:

**El Paso Special Privileges • c/o The One Stop Shop  
811 Texas Avenue • El Paso, Texas 79901**

#### FEE SCHEDULE

<b>Application Fee (fee is waived for TOD and RTS Corridors)</b>	<b>\$373.00</b>
<b>Annual Fee – Downtown Improvement Area</b>	
For Vending Areas 100 sq. ft. or less	<b>\$152.00</b>
For Vending Areas greater than 100 sq. ft.	<b>\$302.00</b>
<b>Annual Fee – All Other Areas of the City</b>	
For Vending Areas 100 sq. ft. or less	<b>\$202.00</b>
For Vending Areas greater than 100 sq. ft.	<b>\$402.00</b>

### ☐ ACKNOWLEDGEMENT OF PERMITTEE RESPONSIBILITIES AND CITY RIGHTS AND AUTHORITY

One (1) signed copy of the applicant's acknowledgement of permittee responsibilities and city rights and authority.

### ☐ LETTER(S) OF CONSENT

Permit issuance requires consent of the property owner(s) of the building adjacent to the vending area in which the retail business is located. Use the "Letter of Consent" form provided in this packet (page 4).

### ☐ PROOF OF OWNERSHIP

One (1) copy of a certificate from a title company, warranty deed, or other legal document demonstrating that the individual(s) or corporation providing consent for the application for sidewalk vending is the current property owner.

### ☐ BUILDING CERTIFICATE OF OCCUPANCY

One (1) copy of a Certificate of Occupancy issued in accordance with Title 18.02.108 of the El Paso City Code for the building in which the retail business is located. If a Certificate of Occupancy cannot be furnished, the property owner may request an investigation for a Certificate of Occupancy. Investigations may be scheduled by calling (915) 212-0104 or by visiting the One Stop Shop at 811 Texas Ave. El Paso, Texas 79912; investigation fee is \$76.32.

### ☐ DIMENSIONED DETAILED SITE PLAN

One (1) copy of a dimensioned, detailed site plan showing the proposed layout of the Vending Area. If the applicant proposes use of an awning to hang merchandise, a dimensioned drawing of such awning is required. The drawing shall be drawn to scale and outline the public rights-of-way or easement(s) upon which the sidewalk vending is proposed, including each of the following (see page 6 for a sample site plan):

- Size, location and arrangements of existing structures and improvements located within the vending area;
- Size, location, arrangement and dimensions of the proposed retail display to be located in the vending area;
- Dimensioned elevation of the buildings illustrating location of doors, windows, awnings and proposed retail display.

### ☐ TWO COLOR PHOTOS (FRONT AND SIDE) OF THE VENDING AREA

Two (2) color photos of the proposed vending area, the first illustrating a front view of the proposed vending area, while the second illustrates a side view.

### ☐ CERTIFICATE OF LIABILITY INSURANCE

Insurance is required for all Sidewalk Vending Permit applications and must be included with the application at the time of submission. The City of El Paso must be listed as an *Additional Insured* on the certificate of insurance. In addition, coverage must meet the following limitations:

- \$1,000,000 in General Commercial Liability for Personal Injury/Death per Occurrence;
- \$1,000,000 in General Aggregate Coverage;
- \$1,000,000 in Property Damage

## ACKNOWLEDGEMENT OF PERMITTEE RESPONSIBILITIES AND CITY RIGHTS AND AUTHORITY

### RESPONSIBILITIES OF THE SIDEWALK VENDING PERMITTEE

1. The Permittee shall keep the Vending Area free and clear of litter, debris and any substance that may damage the sidewalk or cause a pedestrian injury at all times.
2. The Permittee shall be responsible for all maintenance of the Vending Area and shall repair any damage caused to the right-of-way by the vending activity.
3. The Permittee shall not construct, or allow to be constructed, any improvements or structures in the Vending Area, or allow any alterations to be made to the Vending Area without prior written consent of the City.
4. The Permittee shall, at its own expense, provide for the repair of all water lines, storm and sanitary sewer lines, service lines and water meters owned by the City that the Permittee, its employees, contractors, agents or assigns damage so that such repair complies with all City Code requirements.
5. The City shall have the power at any time to order and require the Permittee to immediately remove and abate any portion of the Vending Area that is dangerous to life or property by written notice. Should the Permittee, after written notice, fail or refuse to comply within a reasonable time, the City shall have the power to remove or abate the same, at the expense of the Permittee. In the event the City removes or abates the Vending Area as provided herein, the Permittee shall not be compensated for any loss associated with such removal or abatement of the Vending Area, or associated revenue, nor shall the City be liable to the Permittee for any direct, indirect or consequential damages due to the removal or abatement of the Vending Area.
6. The Permittee shall not assign the designated Vending Area, nor allow the same to be assigned by operation of law or otherwise, or sublet or sell the designated Vending Area or any part thereof.

### CITY RIGHTS AND AUTHORITY

1. Throughout the term of the permit, the City expressly reserves the right to install, repair, or reconstruct the City right-of-way used or occupied by Permittee, any streets or alleys and all ancillary public uses, usual and customary in connection with streets and alleys, expressly including but not limited to, drainage facilities and structures.
2. The City reserves the right to lay and permit to be laid, utility lines including, but not limited to, storm and sanitary sewer, gas, water, and other pipelines or cables, and to do and permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the City in, across, along, over or under the Vending Area occupied by Permittee, and to change any curb or sidewalk or the street grade of any street. The City shall notify Permittee of work to be performed as herein described 30 days prior to the start of such work. The City shall not be liable to Permittee for any damage resulting there from, nor shall the City be liable to Permittee for any damages arising out of the performance of any work by the City, its contractors or subcontractors, not willfully and unnecessarily occasioned; provided, however, nothing herein shall relieve any other persons or entities from liability for damage to the Vending Area. If the City requires Permittee to alter, change, adapt, remove, or relocate the Vending Area due to imminent public safety concerns, or because of changes in the grade of the Vending Area or in the location or manner of constructing a water pipe, sewer pipe or other underground or aboveground pipes owned by the City, Permittee shall make the alterations or changes as soon as practicable when ordered in writing by the City without claim for reimbursement or damages against the City. If these requirements impose a financial hardship upon Permittee, Permittee shall have the right to present alternative proposals for the City's consideration.
3. The City reserves the right to use the surface, subsurface and airspace within the Vending Area for any public purposes allowed by law and deemed necessary by the City and to do or permit to be done any work in connection therewith that may be deemed necessary and proper by the City on, across, along, under or over said Vending Area occupied by Permittee, provided such use does not interfere with Permittee's use of the Vending Area. Whenever, because of such work, it is deemed necessary by the City to alter, change, adapt, conform or relocate portions of the Vending Area, such alteration or change or relocation shall be made by Permittee when ordered in writing by the City without any claim for reimbursement or damages against the City.
4. City is not responsible for any theft, damages or destruction of goods or property of Permittee both during the term of the Permit after Permittee vacates the designated Vending Area. If said goods and any other property placed by Permittee in the Vending Area are not removed after hours of operation, the City may remove the same without further notice or liability.

Applicant Name (Print): \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# SIDEWALK RETAIL VENDING PERMIT

## LETTER OF CONSENT

Date \_\_\_\_\_

To Whom It May Concern:

This letter hereby authorizes

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Owner of the Retail Business

To engage in the sidewalk retail vending program in the public right of way immediately adjacent to my property located at the following address:

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Property Address in which the Retail Business is Located

This consent shall run concurrent with the permit. If at any time the permit expires or is revoked, this consent shall be void.

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Name – Retail Business Owner

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Name – Property Owner

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Signature – Retail Business Owner

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Signature – Property Owner

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Contact Address – Retail Business Owner

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Contact Address – Property Owner

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Contact Telephone – Retail Business Owner

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Contact Telephone – Property Owner

## CHECKLIST FOR SIDEWALK VENDING SITE REQUIREMENTS

- ☐ Sidewalk retail vending is only permitted adjacent to commercial buildings with zero lot lines in a zoning district where a retail establishment is lawfully operating on the first floor of the building by the same entity wishing to participate in the sidewalk vending program.
- ☐ Display of merchandise within the Vending Area must match the layout illustrated by the dimensioned, detailed site plan submitted with the Sidewalk Vending Permit application.
- ☐ Display of merchandise is not permitted outside of the Vending Area.
- ☐ The size of the Vending Area is limited to no more than fifty (50) percent of the public sidewalk area located adjacent to the building in which the retail business is located, with the exception that in the Downtown Area, the Vending Area limited to no more than three (3) three (3) by nine (9) foot areas (81 ft<sup>2</sup> of Vending Area total).
- ☐ Only the types of retail merchandise sold in the retail store in the adjacent building can be displayed in the Vending Area.
- ☐ The majority of retail merchandise must be displayed inside the retail store in the adjacent building.
- ☐ All financial transactions must occur inside the retail store; no cash registers may be located in the Vending Area.
- ☐ No permanent structure may be located on the sidewalk or on the exterior of any building.
- ☐ A minimum of four (4) feet of unobstructed pedestrian sidewalk access is required between the outer edge of the Vending Area and the curb.
- ☐ A minimum of three (3) feet of unobstructed access shall be maintained at all times at the entrances and/or exits of any building or property located adjacent to the Vending Area.
- ☐ Vending displays shall not completely cover the windows of the building located adjacent to the Vending Area and shall allow pedestrians a view of the inside retail spaces.
- ☐ No equipment used in conjunction with the vending display (e.g. tables, booths, chairs, etc.) may be located within fifteen (15) feet of any sprinkler system, fire hydrant, other fire appurtenances, water supply shutoff valve, streetlight power boxes or traffic signal cabinets.
- ☐ No equipment used in conjunction with the vending display (e.g. tables, booths, chairs, etc.) may be located within five (5) feet of any connections to gas meters, sanitary sewer manholes and/or other utility equipment.
- ☐ Display racks, tables and shelving used in conjunction with the vending display shall be finished or painted.
- ☐ Tables and shelving shall be skirted or otherwise adorned to cover the view of the under structures/legs.
- ☐ Display of merchandise shall not exceed five (5) feet in height from the ground, or seven (7) feet if located in the Downtown Area.
- ☐ Hanging merchandise from the roof or awning of the building in which the retail business is located is permitted, provided a minimum seven (7) foot clearance is maintained between the lowest portion of the merchandise and the sidewalk, unless such hanging is above other merchandise displayed within the Vending Area.
- ☐ No advertising signs are permitted within the Vending Area, except for pricing signs; each of these signs shall measure no more than one (1) square foot in size.
- ☐ No stocking of merchandise is permitted in the Vending Area, unless it is hidden from public view.
- ☐ Packing or shipping cardboard is prohibited; except for containers in which merchandise is packaged for sale (e.g. shoe boxes for the retail of shoes are permitted).

SAMPLE SIDEWALK VENDING SITE PLANS

